



1614 JFW

Docket No.: T0509.70011US00
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Seiichi Araki et al.
Serial No.: 10/506631
Confirmation No.: 5167
Int'l. Filing Date: March 11, 2003
For: A MEDICAMENT CONTAINING A RIBOFLAVIN COMPOUND
Examiner: M. Graffeo
Art Unit: 1614

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 1/12/06

June M. Watson
June M. Watson

TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Response to Restriction Requirement

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 23/2825, under Docket No. T0509.70011US00. A duplicate copy of this paper is enclosed.

Dated: January 12, 2006

Respectfully submitted,

By: Roque El-Hayek

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WGS Date: x01/12/06x

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June M. Watson

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed December 12, 2005, Applicant hereby provisionally elects Group III, claims 13 and 15, for continued examination, with traverse.

Applicant respectfully traverses the restriction requirement as it relates to the lack of unity of among Groups I-III.

The Examiner has required restriction between Groups I-III. The Examiner asserts that the inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features. According to the Examiner, the use of riboflavin for the suppression of cytokines is not novel in view of US patent application 2003/0161871 A1 (Hird et al.) which describes the use of riboflavin to treat sepsis. In view of the foregoing reasons, the Examiner held that the inventions of Groups I-III lack unity.

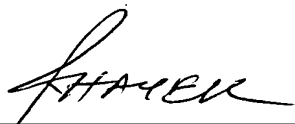
Applicant disagrees. The claims in Groups I, II, and III share a common technical relationship involving a special technical feature namely, the use of riboflavin or a riboflavin derivative to suppress cytokines. Applicant disagrees with the Examiner's assessment of Hird. While it is true that Hird describes the use of riboflavin to treat sepsis, nowhere does Hird teach or suggest that riboflavin suppresses cytokines. Accordingly, the instant invention directed to the use of riboflavin for the suppression of cytokines is novel and not anticipated by Hird.

Based on the above arguments, Applicant respectfully requests rejoining Group I and Group II to be examined with elected Group III. Moreover, Applicant believes that the examination of the three groups at once will not result in an undue burden on the Examiner.

Applicant respectfully requests reconsideration of the restriction requirement.

Dated: January 12, 2006

Respectfully submitted,

By: 
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